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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,519	06/11/1999	MICHAEL D. ELLIS	UV-52	9514
7590 02/11/2004				
G VICTOR TREVZ FISH & NEAVE 1251 AVENUE OF THE AMERICAS NEW YORK, NY 100201104		EXAMINER TRAN, HAI V		
		ART UNIT 2611		PAPER NUMBER 9
DATE MAILED: 02/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,519

Applicant(s)

ELLIS ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-125 is/are pending in the application.
- 4a) Of the above claim(s) 1-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-125 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6 and 8</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/15/02 have been fully considered but they are not persuasive.

Claims 51-100, Applicant argues "Shoff does not disclose applicants' approach of claims 51-100 in which program guide data is stored locally and supplemental data is stored remotely for access by the interactive television program guide".

In response, the Examiner respectfully disagrees with applicant because Shoff's program guide data is stored locally (Fig. 5, el. 104 in which the EPG is locally cached; Col. 7, lines 3-8) and supplemental data (Supplement content 54; Fig. 52) is stored remotely for access by the interactive television program guide (see Fig. 3; el. 58).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 51-52, 54-56, 60-75, 79-81, 88-102, and 104-125 are rejected under 35

U.S.C. 102(e) as being unpatentable by Shoff et al. (US 6240555).

Claim 51, Shoff discloses an interactive television program guide system in which an interactive program guide is implemented on a user TV equipment of a plurality of users (Cached; Fig. 5, el. 104; Col. 7, lines 5-8), comprising:

Local memory 96 that is configured to store program guide data for use by the interactive TV program guide (Col. 7, lines 5-8; Col. 8, lines 7 and lines 38-44); and

Remote memory (Fig. 2, el. 54) at a remote location 22 that is configured to store supplemental data for access by the interactive TV program guide (Fig. 3), wherein the user takes actions with the user TV equipment that indicative of a potential upcoming need for a given portion of the supplemental data (Col. 9, lines 20-65+) and the system automatically supplies the given portion of the supplemental data from the remote memory to the interactive TV program guide in advance of the incoming need based on the action of the user (Col. 8, lines 62-Col. 9, lines 8 and lines 20-Col. 10, lines 60).

Claim 52, Shoff further discloses a TV distribution facility (Fig. 2 and 4) configured to distribute TV programming to the users' equipment (Abstract; Col. 4, lines 16-18).

Claims 54-56 and 79-81, Shoff further discloses

The supplemental data includes detailed program descriptions for at least some of the program listings (Col. 5, lines 17-23)

Program schedule listing stored in the local memory can be accessed more rapidly with IPG than the supplemental data stored in the remote memory (Col. 7, lines 3-8);

Access supplemental data stored at the headend requires a second memory lookup (Col. 6, lines 17-29)

Claims 57-58, 82-83 Shoff further discloses

The user takes actions with the interactive program guide that are indicative of potential upcoming need for a given portion of the supplemental data (30-40); and

The system is configured to automatically supply the given portion of the supplemental data to the interactive TV program guide in advance of the upcoming need (Fig. 8C, i.e., el. 232-237 Col. 10, lines 18-47) based on the actions of the user with the interactive TV program guide.

Claims 59 and 84, as to "wherein the actions of the user involve tuning to certain TV program" is inherent from Shoff because Shoff is an interactive TV program guide that allows users to tune to a selected program by selecting a TV program from the EPG.

Claims 60-62, Shoff further discloses wherein the supplemental data includes an application (Col. 10, lines 53-58 and Col. 11, lines 67-Col. 12, lines 11); wherein the application is user selectable option (Col. 11, lines 1-11); wherein the application is launched automatically by the program guide (Col. 10, lines 18-58).

Claims 63-64, 67, 69, 88-89, 92, 94 Shoff further discloses

The supplemental data includes real-time information; the real-time information is overlaid on the TV program by the program guide on an on-going basis; wherein the supplemental data is displayed automatically by the program guide as soon as it is available (Col. 10, lines 53-58 and Col. 11, lines 59-65; Online Trivia game is real-time and is displayed as it is available).

Claims 65-66 and 90-91, Shoff further discloses wherein the supplemental data includes an Internet address; the IPG displays the Internet address as a link (Col. 6, lines 24-48);

Claims 68 and 93, Shoff further discloses wherein the supplemental data is requested on-demand by user actions with the IPG (Col. 9, lines 35-40, 54-59, 66-67 and col. 10, lines 1-3);

Claims 70-75 and 95-100, Shoff further discloses wherein the supplemental data includes biographies. (Col. 11, line 30); video clips, audio clips, still images, bitmaps (col. 5, line, 18 and 51); Trivia (Col. 53-58; Col. 11, lines 39-44); Advertisements (Col. 5, line 21).

Claims 101-102, apparatus claims are analyzed with respect to method claims 51-52.

Claims 104-106, apparatus claims are analyzed with respect to method claims 54-56.

Claims 107-108, apparatus claim are analyzed with respect to method claims 57-58.

Claim 109, apparatus claim is analyzed with respect to method claim 59.

Claims 110-112, apparatus claim are analyzed with respect to method Claims 60-62.

Claims 113-114, 117, 119 apparatus claim are analyzed with respect to method Claims 63-64, 67, 69, 88-89, 92, 94.

Claims 115-116, apparatus claim are analyzed with respect to method Claims 65-66.

Claim 118, apparatus claim is analyzed with respect to method Claims 68 and 93.

Claims 120-125, apparatus claim are analyzed with respect to method Claims 70-75 and 95-100.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 53, 78 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. (US 6240555) in view of Davis (US 5559548).

Shoff discloses an apparatus and method of interactive program guide (IPG) as claimed, wherein the headend is configured to distribute TV programming to plurality of users as described in Abstract and Col. 4, lines 16-18;

Remote memory is located at the headend (Fig. 2, el 44; Col. 5, lines 6-23);

Shoff does not clearly disclose a main facility configured to provide the supplemental data to the remote memory and configured to provide program guide data to the headend for re-distribution to local memory.

Davis discloses a main facility configured to provide the supplemental data to the remote memory (Col. 7, lines 4-23) and configured to provide program guide data to the headend for re-distribution to local memory (Col. 9, lines 39-49 and Col. 18-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shoff to include a main facility, as taught by Davis, so to enable distribution of program guides, advertisements and promotions from a central location to plurality remote locations while allowing insertion of schedule listings and additional information, i.e. commercials that are targeted to specific locales at the headend.

Claim 103, apparatus claim is analyzed with respect to method claim 53.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is 703-308-7372. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht
02/06/2004


HAITRAN
PATENT EXAMINER